

2017-38

REC'D APR 17 2017

GRAMA Notice of Appeal to State Records Committee

Note: Utah Code § 63G-2-403 (GRAMA) provides that any person may further appeal the chief administrative officer's denial of an appeal by filing a notice of appeal with the State Records Committee. This notice must be filed within 30 days of the response from a governmental entity's chief administrative officer or no later than 45 days after the records request was made if the following occur: the governmental entity claims extraordinary circumstances, and the chief administrative officer failed to make a determination.

Requester's information

Name: JASON K JENSEN / JENSEN INVESTIGATIONS / Burt, Jeffery Date: 04/16/2017

Address: 50 W. BROADWAY, SUITE 300

City/State/Zip: SALT LAKE CITY, UTAH 84101

Daytime telephone number: 801-596-2455 (OFFICE); 801-759-2248 (CELL)

Make request to

Nova Dubovik
346 South Rio Grande Street
Salt Lake City, Utah 84101
ndubovik@utah.gov

Explanation of Relief Sought

Note: Relief can relate to conflicts over denial of access to records (Utah Code § 63G-2-402) as well as disputes over fees (Utah Code § 63G-2-203(6)) or extraordinary circumstances (Utah Code § 63G-2-402)).

The State Records Committee can also use the weighing provision to order the release of records that are properly restricted if it determines that the interests favoring access are greater than or equal to the interests favoring restriction (Utah Code § 63G-2-203(11)).

The accused of a criminal action, Jeffery Joseph Burt, retained the investigative services of Jason K Jensen and Jensen Investigations, a private detective agency, to seek-out and obtain exculpatory evidence. He was falsely accused of felony behavior and knowing his own innocence wanted to prove it. For instance, during a civil trial (an eviction case), one witness, [redacted] attested that every time someone was getting into trouble with the law they were blaming Mr. Burt in exchange for leniency. Such evidence of deal-making is exculpatory evidence as defined in Brady v. Maryland, generally, and under Giglio v. United States, specifically.

From the partial disclosure that was obtained through Court Discovery and through the Sandy City GRAMA records request specific items were identified and subsequently requested: The City denied the request and declined to release any further records. The information requested are:

In Case #10E005869, the report from Officer Marriott who took an initial statement from [redacted] on 06/10/2010 from within the [redacted] home, and the full audio of any statements, and written statements obtained. The reports from Officer's Davis, [redacted] are requested - they were mentioned but not provided. Their reports contain interviews from Jeffery Burt's daughter [redacted] (who was 21 at the time) and of other roommates from within the [redacted] 06/19/2010. Those reports concluded that no citations be issued to the defendant or his daughter.

In Case #10E005801, the raw data allegedly extracted from Jeffery Burt's cell phone for independent digital forensic analysis, to include the metadata from the video of [redacted] The statements taken from [redacted] call in the question the timeline that the video was taken and [redacted] statement calls into question the validity that Jeffery Burt was even present. Moreover, they state there was a longer version of the video rather than three segments. Also requested is the Chain of Custody Form with all the signatures of each individual who took possession of the device.

In Case #10E007625 (tied to #10E005891), no information or statements have been provided for case #10E007625, but it has been tied to Case #10E005801 giving the Defendant rights to receive all this information including the interviews and statements from [redacted] (2/05/2013) or of others collected in the course of the notice investigation. Moreover, it appears that in case #10E005891, an officer named McLenand interviewed [redacted] in addition to the [redacted] conducted by Det. Heather Blanco. That interview and those statements should also be made available in any/all forms maintained.

In Case #10E007736, interviews were conducted of [redacted] by Officer Marriott; and recorded interviews of [redacted] were conducted by Det. White. No reports or statements have been provided to date regarding those interviews.